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B. P. Van Nostrand
ALL THE

TREATIES

BETWEEN THE

UNITED STATES AND GREAT-BRITAIN;

FROM THE

DEFINITIVE TREATY OF PEACE,

SIGNED AT PARIS, 1783;

TO THE

TREATY OF PEACE,

SIGNED AT GHENT, 1814.

INCLUDING THE

CONVENTION BETWEEN MR. KING AND LORD
FALWESBURY,

AND

MONROE AND PINKNEY'S TREATY,

REJECTED BY MR. JEFFERSON.

BOSTON:

PRINTED AND PUBLISHED BY E. G. HOUSE,
Congress-Street.

1815.

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The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA



Queen's University at Kingston

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TREATIES.

The DEFINITIVE TREATY between Great Britain and the Thirteen United States of America.

In the name of the Most Holy and Undivided Trinity.

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the Third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences, that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore—and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony—and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said U. States, but which treaty was not to be concluded until terms of peace should be agreed upon between G. Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly—and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, having constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, Esq. member of the parliament of Great Britain; and the said United States

on their part John Adams, Esq. late a commissioner of the United States of America, at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States, to their high mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq. late delegate in Congress, from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the U. States of America, at the court of Versailles; and John Jay, Esq. late president of Congress, chief justice of the state of New-York, and minister plenipotentiary from the said United States, at the court of Madrid—to be the plenipotentiaries for concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ART. I. His Britannic majesty acknowledges the said U. States, viz. New-Hampshire, Massachusetts-bay, Rhode-Island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

ART. II. And that all disputes, which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the northwest angle of Nova-Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iriquois or Cataraquy; thence along the middle of said river into Lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence thro' the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and and Philipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods, thence through the said lake to the most north-western point

thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint river; thence strait to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy, to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova-Scotia.

ART. III. It is agreed, that the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland, also in the Gulph of St. Lawrence, and all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland, as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors, or possessors of the ground.

ART. IV. It is agreed, that creditors on either side, shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted.

ART. V. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in dis-

tricts in the possession of his majesty's arms, and who have not borne arms against the said U. States; and that persons of any other description, shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states, a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and that Congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid, on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons, who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ART. VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no persons shall, on that account suffer any future loss or damage, either in his person, liberty, or property; and that those, who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced, be discontinued.

ART. VII. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one, and the citizens of the other; wherefore, all hostilities, both by sea and land, shall from henceforth cease; all prisoners, on both sides, shall be set at liberty; and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States, and from every post, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper states and persons to whom they belong.

ART. VIII. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

ART. IX. In case it should so happen, that any place or territory belonging to Great Britain, or the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

ART. X. The solemn ratifications of the present treaty, expedited in good due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands, the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, one thousand seven hundred and eighty three.

DAVID HARTLEY.	(L. S.)
JOHN ADAMS.	(L. S.)
B. FRANKLIN.	(L. S.)
JOHN JAY.	(L. S.)

JAY'S TREATY.

TREATY of Amity, Commerce, and Navigation, between his Britannic Majesty and the United States of America, conditionally ratified by the Senate of the United States, at Philadelphia, June 24, 1795.

HIS Britannic Majesty and the United States of America, being desirous, by a Treaty of Amity, Commerce and Navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding: and also to regulate the Commerce and Navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full power to treat of, and conclude, the said Treaty, that is to say: his Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Windham, Baron Grenville, of Wotton, one of his Majesty's Privy Council, and his Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to his Majesty, who have agreed on and concluded the following articles:

ART. I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

ART. II. His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the Treaty of Peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall, in the interval, be taken by concert between the government of the United States, and his Majesty's Governor General in America, for settling the previous arrangements, which may be necessary respecting the delivery of the said posts: The United States,

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Jay's Treaty.

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In the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts, shall continue to enjoy unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper; and they shall make and declare their election within one year after the evacuation aforesaid.—And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ART. III. It is agreed, that it shall, at all times, be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties on the continent of America (the country within the limits of the Hudson's bay company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks of his Majesty's said territories; nor into such parts of the rivers in his Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect; nor to the admission of British vessels from the sea into the rivers of the U. States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall however, according to the Treaty of Peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichever of the parties belonging, may freely be resorted to, and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majesty in Great Britain.

All goods and merchandize, whose importation into his Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other

duties, than would be payable by his Majesty's subjects on the importation of the same from Europe into the said territories— And in like manner, all goods and merchandize, whose importation into the United States shall not be wholly prohibited, may freely for the purposes of commerce, be carried into the same, in the manner aforesaid, by his Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duties as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively; nor shall the Indians passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging *bona fide* to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall be merely carried over any of the portages or carrying places on either side, for the purpose of being immediately reimbarbed and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides; it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ART. IV. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the Treaty of Peace between his Majesty and the United States; it is agreed, that measures shall be taken in concert between his Majesty's government in America and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony

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to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if on the result of such survey, it should appear that the said river would not be intersected by such a line as is above-mentioned, the two parties will thereupon proceed by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said Treaty.

ART. V. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said Treaty of Peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of Commissioners to be appointed in the following manner, viz.

One Commissioner shall be named by his Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners. And the three Commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the U. States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a Secretary, and to employ such Surveyors or other persons as they shall judge necessary.— The said Commissioners shall, by a declaration under their hands and seals, decide what river is the river St. Croix intended by the Treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his Majesty, and to the agent of the United States, who may be respectively appointed and authorised to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ART. VI. Whereas it is alleged by divers British merchants and others his Majesty's subjects, that debts to a considerable amount, which were *bona fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the U. States; and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course

of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained. It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors; but it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed, and authorised to meet and act in manner following, viz. two of them shall be appointed by his Majesty, two of them by the President of the United States, by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation, in the presence of each other, which oath or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz. "I, A. B. one of the Commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce, and Navigation, between his Britannic Majesty and the United States of America, do solemnly swear (or affirm,) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as, under the said article, shall be preferred to the said Commissioners: and that I will forbear to act as a Commissioner, in any case in which I may be personally interested."

Three of the said Commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the Commissioners named on each side, and the fifth Commissioner, shall be present, and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorised in any particular ca-

ses in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said Commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions or books or papers, or copies, or extracts thereof, every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of exchange of the ratifications of this treaty.

ART. VII. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which his Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captors or condemnations of their vessels and other property, under colour of authority or commissions from his Majesty; and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British

government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimants.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorised to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are, in like manner authorised to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimant; and his Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said Commissioners may be directed.

And whereas certain merchants and others his Majesty's subjects complain, that in the course of the war, they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states:

It is agreed, that in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 8, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the Commissioners to be appointed by virtue of this article, who are hereby authorised and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: and it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

ART. VIII. It is further agreed, that the Commissioners mentioned in this and the two preceding articles, shall be respectively paid in such manner as shall be agreed upon by the two parties; such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions, shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness, or necessary absence, the place of every such Commissioner respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation, and do the same duties.

ART. IX. It is agreed, that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ART. X. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences, be sequestered or confiscated, it being unjust and impolitic, that debts and engagements contracted and made by individuals having confidence in each other, and in their respective governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ART. XI. It is agreed, between his Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles:

ART. XII. His Majesty consents, that it shall and may be lawful during the time herein after limited, for the citizens of the United States to carry to any of his Majesty's islands and ports in the West-Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandises, being of the growth, manufacture or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said states in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage, duties or charges, than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no oth-

er or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

And his Majesty also consents, that it shall be lawful for the said American citizens to purchase, load and carry away in their said vessels to the United States, from the said islands and ports, all such articles being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton in American vessels, either from his Majesty's islands, or from the United States, to any part of the world except the United States, reasonable sea stores excepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles, if so imported or exported in American vessels.

It is agreed, that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect according to the situation in which his Majesty may then find himself with respect to the West-Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases neutral vessels shall protect enemy's property; and in what cases, provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects, shall be regulated by the articles herein after inserted on those subjects.

ART. XIII. His Majesty consents, that the vessels belonging to the citizens of the United States of America, shall be admitted and hospitably received, in all the sea-ports and harbors of the

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British territories in the East-Indies. And that the citizens of the said United States, may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen; and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects, or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of what nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

ART. XIV. There shall be between all the dominions of his Majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively shall

have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

ART. XV. It is agreed, that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed, in one country, on the importation of any articles the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country.— Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this Treaty, and are to be considered as a part thereof. In the interval, it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. XVI. It shall be free for the two contracting parties, respectively to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a Consul may either be punished accord-

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ing to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls such particular places, as such party shall judge proper to be so excepted.

ART. XVII. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ART. XVIII. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages, for cannon, muskets' rests, bandoliers, gun powder, match, saltpetre, ball, pikes, swords, head pieces, cuirasses, halberds, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, tar or rosin, copper in sheets, sails, hemp and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed, that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed, that every

vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ART. XIX. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers before they receive their commissions, shall hereafter be obliged to give before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships, be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling; to satisfy all damages and injuries, which the said privateer, or her officers or men, or any of them may do or commit during their cruise, contrary to the tenor of this Treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods, or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. XX. It is further agreed, that both the said contracting parties, shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

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them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

ART. XXI. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions, shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ART. XXII. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other or complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. XXIII. The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries.—And his Majesty consents, that in case an American vessel, should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of his Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price, such necessities as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted. Nor shall she

be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. XXIV. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any manner to exchange the same; nor shall they be allowed to purchase more provisions, than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ART. XXV. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever: nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized; neither shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will, in future, make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commissions from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

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ART. XXVI. If at any time, a rupture should take place, (which God forbid !) between his Majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws ; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order, shall be allowed them for that purpose, to remove with their families, affects and property ; but this favour shall not be extended to those who shall act contrary to the established laws ; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other ; and that without prejudice to their mutual friendship and good understanding.

ART. XXVII. It is further agreed, that his Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorised to make the same, will deliver up to justice all persons, who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed, by those who make the requisition and receive the fugitive.

ART. XXVIII. It is agreed, that the first ten articles of this Treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that whereas the said twelfth article will expire, by the limitation therein contained, at the end of two years from the signing the preliminary or other articles of peace, which shall terminate the present war in which his Majesty is engaged, it is agreed, that proper measures shall by concert be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head, may by that time be perfected and ready to take place. But if it should unfortunately happen, that his Majesty and the United States, should not be able to agree on such new

arrangements, in that case, all the articles of this Treaty, except the first ten, shall then cease and expire together.

LASTLY. This Treaty, when the same shall have been ratified by his Majesty, and by the President of the United States, by and with the advice and consent of the Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his Majesty and on the said States, and shall be by them respectively executed, and observed, with punctuality, and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse, and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected—it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavour so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this Treaty. In faith whereof, we, the undersigned Ministers Plenipotentiary of his Majesty the King of Great-Britain, and the United States of America, have signed this present Treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE. (Seal.)

JOHN JAY. (Seal.)

ADDITIONAL ARTICLE. It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West-Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

EXPLANATORY ARTICLE. Whereas by the third article of the Treaty of Amity, Commerce and Navigation, concluded at London on the 10th day of November, 1794, between his Britannic Majesty and the United States of America, it was agreed, that it should at all times be free to his Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line assigned by the Treaty of Peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties on the continent of America (the bay company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the first article; and whereas by the 8th article of the treaty of peace and friendship concluded at Grenville, on the 3d day of August, 1795, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippe-

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was, Pattawatimies, Miamies, Elkias, it was stipulated, that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes as a trader, who is not furnished with a license for that purpose, under the authority of the United States, which latter stipulation has excited doubts whether in its operation it may not interfere with the due execution of the said article of the Treaty of Amity, Commerce, and navigation; and it being the sincere desire of his Britannic Majesty, and of the United States, that this point should be so explained as to remove all doubts, and to promote mutual satisfaction and friendship; and for this purpose his Britannic Majesty having named for his Commissioner, Phineas Bond, Esq. his Majesty's consul general for the middle and southern states of America (and his Majesty's charge d'affairs to the United States) and the President of the United States having named for their Commissioner, Timothy Pickering, Esq. Secretary of State for the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation.

They the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said Treaty of Amity, Commerce, and Navigation, entered into this explanatory article, and now, by these presents, explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights and free intercourse and commerce secured by the aforesaid third article of the treaty to the subjects of his Majesty, and to the citizens of the United States, and Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the Treaty of Amity, Commerce, and Navigation. This explanatory article, when the same shall have been ratified by his Majesty, and by the President of the United States, by and with the advice and consent of the Senate, and the respective ratifications mutually exchanged, shall be added to make a part of the said Treaty of Amity, Commerce, and Navigation, and shall be permanently binding upon his Majesty and the United States.

In witness whereof, we the said Commissioners of his Majesty the King of Great Britain and the United States of America, have signed this explanatory article, and thereto affixed our seals.

Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND. (Seal.)
T. PICKERING. (Seal.)

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CONVENTION.

Convention, or Treaty between the United States and Great Britain, returned unratified by Mr. Jefferson, in 1803.

IN order that the boundaries between the territories of his Britannic Majesty, and those of the United States of America may be more precisely ascertained and determined than has hitherto been done, the parties have respectively named their plenipotentiaries and given them full power to negotiate and conclude a convention for this purpose, that is to say, his Britannic Majesty has named for his Plenipotentiary, the Right Honourable Robert Banks Johnson, (commonly called Lord Hawkesbury) one of His Majesty's most honourable Privy Council and his principal Secretary of State for foreign affairs, and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed for their Plenipotentiary, Rufus King, Esq. their Minister Plenipotentiary to his said Majesty, who have agreed upon and concluded the following articles :

ART. I. The line herein after described, shall and hereby is declared to be the boundary between the mouth of the river St. Croix and the bay of Fundy, that is to say,—a line beginning in the middle of the channel of the river St. Croix at its mouth, as the same has been ascertained by the Commissioners appointed for that purpose, thence direct to the middle of the channel between Point Pleasant and Deer Island : thence through the middle of the channel between Deer Island on the east and north, and Moose Island and Campo Bello Island on the west and south, and round the eastern point of Campo Bello Island to the Bay of Fundy. And all the islands and waters northward and eastward of the said boundary, together with the island of Campo Bello situate to the southward thereof, are hereby declared to be within the jurisdiction and part of his Majesty's Provinces of New Brunswick, and the islands and waters southward and westward of the said boundary, except only the island of Campo Bello, are hereby declared to be within the jurisdiction and part of Massachusetts, one of the said United States.

ART. II. Whereas it has become expedient that the northwest angle of Nova Scotia, mentioned and described in the treaty of

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peace, between his Majesty and the United States, should be ascertained and determined, and that the line between the source of the river St. Croix and the said north west angle of Nova Scotia, should be run and marked according to the provisions of the said treaty of peace, it is agreed, that for this purpose commissioners shall be appointed in the following manner, viz. one commissioner shall be named by his Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners shall agree in the choice of a third; or if they cannot agree, they shall each propose one person, and of the two names so proposed, one shall be taken by lot in the presence of the two original commissioners; and the three commissioners so appointed shall be sworn impartially to ascertain and determine the said northwest angle of Nova Scotia, pursuant to the provisions of the said treaty of peace; and likewise to cause the said boundary line between the source of the river St. Croix, as the same has been determined by the commissioners appointed for that purpose, and the northwest angle of Nova Scotia, to be run and marked according to the provisions of the treaty aforesaid; the said commissioners shall meet at Boston and have power to adjourn to such other place or places as they shall think fit; they shall have power to appoint a Secretary, and employ such surveyors and other assistants as they shall judge necessary; the said commissioners shall draw up a report of their proceedings, which shall describe the line aforesaid, and particularize the latitude and longitude of the place ascertained and determined on as aforesaid, to be the north west angle of Nova Scotia; the duplicates of which report under the hands and seals of the said commissioners, (or of a majority of them) together with duplicates of their accounts, shall be delivered to such persons as may be severally authorised to receive the same in behalf of their respective governments, and the decisions and proceedings of the said commissioners, or a majority of them made and had as aforesaid, shall be final and conclusive.

ART. III. It is further agreed that the said commissioners, after they shall have executed the duties assigned them in the preceding article, shall be, and they hereby are authorized upon their oaths impartially to ascertain and determine the northwest-most head of Connecticut river, according to the provision of the aforesaid treaty of peace, and likewise to cause the boundary line described in the said treaty of peace, between the northwest-most angle of Nova Scotia and the said northwesternmost head of Connecticut river, to be run and marked pursuant to the provisions of the said treaty; the said commissioners shall meet at Boston and shall have power to adjourn to such place or places as they shall think fit; they shall have power to appoint a secretary, and employ such surveyors and other assistants as they shall judge necessary; the said commissioners shall draw up a report

of their proceedings, which shall describe the boundary line aforesaid, and particularize the latitude and longitude of the northwesternmost head of Connecticut river; duplicates of which report under the hands and seal of the said commissioners, or of a majority of them, together with duplicates of their accounts, shall be delivered to such persons as may be severally authorized to receive the same in behalf of their respective governments; and the decision and proceedings of the said commissioners, or of a majority of them, made and had as aforesaid, shall be final and conclusive.

ART. IV. It is further agreed, that the aforesaid commissioners shall be respectively paid in such a manner as shall be agreed between the two parties; such agreement to be settled at the time of the exchange of the ratification of this Convention; and all other expenses incurred by the said commissioners; and in case of the death, sickness, or necessary absence, the place of any commissioner shall be supplied in the same manner as such commissioner was appointed; and the new commissioner shall take the same oath, and do the same duties.

ART. V. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line drawn due west from the Lake of the Woods, in the manner mentioned in the Treaty of Peace between his Majesty and the United States; it is agreed, that instead of the said line, the boundary of the United States in this quarter shall and is hereby declared to be the shortest line which can be drawn between the northwest point of the Lake of the Woods and the nearest source of the river Mississippi; and for the purpose of ascertaining and determining the north west point of the Lake of the Woods, and the source of the river Mississippi, that may be nearest to the said north west point, as well as for the purpose of running and marking the said boundary line between the same, three commissioners, upon the demand of either government, shall be appointed and authorized upon their oaths to act; and their compensation and expenses shall be ascertained and paid, and vacancies supplied in the manner provided in respect to the commissioners mentioned in the preceding articles; and the decisions and proceeding of the said commissioners, or of a majority of them, made and had pursuant to this convention, shall be final and conclusive.

In faith whereof, we the undersigned Ministers Plenipotentiary of his Britanic Majesty, and of the United States of America, have signed this present convention, and caused to be affixed thereto the seals of our arms.

Done at London, this twelfth day of May, one thousand eight hundred and three.

(Signed) HAWKESBURY. (L. S.)
RUFUS KING. (L. S.)

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MONROE AND PINKNEY'S TREATY.

TREATY of Amity, Commerce and Navigation between his Britannic Majesty and the United States of America.*

HIS Britannic Majesty and the United States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the united kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation, between their respective countries, territories, and people on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a treaty of amity, navigation and commerce, that is to say, his Britannic Majesty has named for his plenipotentiaries, Henry Richard Vassall lord Holland, one of his majesty's privy council, and lord keeper of his majesty's privy seal; and William lord Auckland, one of his majesty's privy council and president of the committee of council for all matters of trade and foreign plantations: and the president of the United States, by and with the advice of the senate thereof, hath appointed for their plenipotentiaries, James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following articles.

ARTICLE I. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns and people, of every degree, without exception of persons or places.

ART. II. It is agreed that the several articles of the treaty of amity, commerce and navigation, between his majesty and the United States, made at London, on the 19th day of November, 1794, which have not expired, nor as yet had their full operation and effect, shall be confirmed in their best form, and in their full

* This Treaty was not ratified. President JARRISON rejected it without submitting it to the consideration of the Senate.

tenor ; and that the contracting parties will also from time to time enter into friendly explanations on the subject of the said articles, for the purpose of removing all such doubts as may arise or may have arisen as to the true import of the same, as well as for the purpose of rendering the said articles more conformable to their mutual wishes and convenience.

ART. III. His Majesty agrees that the vessels belonging to the United States of America, and sailing direct from the ports of the said states, shall be admitted and hospitably received, in all the sea-ports and harbors of the British dominions in the East-Indies. And that the citizens of the said United States, may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no higher or other duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories ; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there ; and if any transgressions should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects, or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted in

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manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of whatever nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

ART. IV. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time; also to hire and possess houses, and warehouses, for the purposes of their commerce; and generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

ART. V. It is agreed, that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed, in one country, on the importation of any articles of the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country.—Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall at any time be payable by British vessels in the ports of America, and the government of the United States reserves to itself a right of imposing on British vessels, entering into the ports of the United States, a tonnage duty equal to that which shall at any time be payable by American vessels in the British ports in Europe.

It is agreed that in the trade of the two countries with each other, the same duties of exportation and importation on all goods and merchandise, and also the same drawbacks and bounties shall be paid and allowed in either country, whether such importation or exportation shall be in British or American vessels.

ART. VI. The high contracting parties not having been able to arrange at present by treaty, any commercial intercourse be-

tween the territories of the United States and his majesty's islands, and ports in the West-Indies, agree that until that subject shall be regulated in a satisfactory manner, each of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

ART. VII. It shall be free for the two contracting parties, respectively to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls such particular places, as such party shall judge proper to be so excepted.

ART. VIII. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, or for other lawful cause, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy, or is otherwise confiscable, shall be made prize, and the vessel, unless by law subject to condemnation, shall be at liberty to proceed with the remainder of the cargo without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the master or owner of such ships.

It is also agreed that in all cases of unfounded detention or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial.

ART. IX. In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, grenadoes, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gun powder, matches, saltpetre, balls, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse furniture, holsters, belts, and generally all

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other implements of war ; as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron and fir planks ; and also with the exception of tar and pitch, when not going to a port of naval equipment, in which case they shall be entitled to pre-emption) whatever may serve directly to the equipment of vessels ; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. But no vessel shall be detained on pretence of carrying contraband of war ; unless some of the above mentioned articles, not excepted, are found on board of the said vessel at the time it is searched.

ART. X. Whereas in consideration of the distance and of other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place, belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested ; it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after such notice she shall again attempt to enter ; but she shall be permitted to go to any other port or place she may think proper : Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Neither of the parties when at war, shall, during the continuance of the treaty, take from on board the vessels of the other, the subjects of the opposite belligerent, unless they be in the actual employment of such belligerent.

ART. XI. Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruisers in regard thereto, it is agreed that during the present hostilities all articles of the growth, produce and manufacture of Europe, not being contraband of war, may be freely carried from the United States to the port of any colony, not blockaded, belonging to his majesty's enemies, provided that such goods shall previously have been entered and landed in the United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than one per cent. ad valorem, and that the said goods and the vessels conveying the same shall, from the time of their clearance from the American port, be bona fide the property of citizens and inhabitants of the United States ; and in like manner that all articles not being contraband of war, and being the growth and produce of the enemy's colonies, may

be brought to the United States, and after having been there landed, may be freely carried from thence to any port of Europe, not blockaded, provided such goods shall previously have been entered and landed in the said United States, and shall have paid the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall, after the drawback, remain subject to a duty equivalent to not less than two per cent. *ad valorem*; and provided that the said goods, and the vessel conveying the same, be bona fide the property of citizens and inhabitants of the United States.

Provided always, that this article, or any thing therein contained, shall not operate to the prejudice of any right belonging to either party, but that after the expiration of the time limited for the article, the rights on both sides shall revive and be in full force.

ART. XII. And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties on the coasts of their respective possessions in North America, on account of peculiar circumstances belonging to those coasts, it is agreed that in all cases where one of the said high contracting parties shall be engaged in war and the other shall be at peace, the belligerent power shall not stop, except for the purpose hereafter mentioned, the vessels of the neutral power, or the unarmed vessels of other nations, within five marine miles from the shore belonging to the said neutral power on the American seas.

Provided that the said stipulations shall not take effect in favor of the ships of any nation or nations, which shall not have agreed to respect the limit aforesaid, as the line of maritime jurisdiction, of the said neutral state. And it is further stipulated, that if either of the high contracting parties shall be at war with any nation or nations, which shall not have agreed to respect the said special limit or line of maritime jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot, or three marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong; and with respect to the ships and the property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this article did not exist; and the several provisions stipulated by this article shall have full force and effect only during the continuance of the present treaty.

ART. XIII. With respect to the searching of merchant ships, the commanders of ships of war and privateers shall conduct themselves as favorably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter, observing as much as possible the acknowledged

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principles and rules of the law of nations; and for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give before a competent judge, sufficient security, by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of four thousand pounds sterling, to satisfy all damages and injuries, which the said privateer, or her officers or men, or any of them may do or commit during their cruise, contrary to the tenor of this Treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. XIV. It is further agreed, that both the said contracting parties, shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorised in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

ART. XV. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or vio-

lonce against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions, shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ART. XVI. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaint of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. XVII. The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries.—And both contracting parties agree, that in case any vessel of the one should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price, such necessities as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. XVIII. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions, than shall be necessary for their going to the nearest

port of that prince or state from whom they obtained their commissions.

ART. XIX. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fees to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized; nor shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will, in future, make any treaty that shall be inconsistent with this or the preceding article. Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor within the jurisdiction described in Art. 12, so long as the provisions of the said article shall be in force, by ships of war, or others having commissions from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ART. XX. If, at any time, a rupture should take place (which God forbid!) between his Majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they do it peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act

contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

ART. XXI. It is further agreed, that his Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorised to make the same, will deliver up to justice all persons, who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed, by those who make the requisition and receive the fugitive.

ART. XXII. In the event of a shipwreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea, shall not be concealed or detained, nor damaged under any pretext whatever. On the contrary the abovementioned effects and merchandise shall be preserved, and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels and effects.

ART. XXIII. And it being the intention of the high contracting parties, that the people of their respective dominions shall continue to be on the footing of the most favored nation, it is agreed, that in case either party shall hereafter grant any additional advantages in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate therein.

ART. XXIV. The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be hereafter enacted by their respective legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they farther agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

ART. XXV. And it is further agreed, that nothing herein contained shall contravene or affect the due execution of any treaty or treaties, now actually subsisting between either of the high contracting parties and any other power or powers.

ART. XXVI. This treaty, when the same shall have been ratified by his majesty, and by the President of the United States, with the advice of their senate, and the respective ratifications, mutually exchanged, shall be binding and obligatory on his majesty, and on the said states, for ten years, from the date of the exchange of the said ratification, and shall be reciprocally executed and observed with punctuality and the most sincere regard to good faith.

In faith whereof, We, the undersigned plenipotentiaries on the part of his majesty, the king of Great Britain, and the commissioners extraordinary and plenipotentiaries on the part of the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms. Done at London, this thirty-first day of December, one thousand eight hundred and six.

SEAL. (Signed)
SEAL. (Signed)
SEAL. (Signed)
SEAL. (Signed)

VASSAL HOLLAND,
AUCKLAND,
JAS. MONROE,
WM. PINKNEY.

LONDON, DEC. 31, 1806.

The undersigned Henry Richard Vassall Lord Holland, and William Lord Auckland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries of the United States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time, they have it in command from his majesty, to call the attention of the commissioners of the United States, to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his majesty's government thereupon.

The proceedings alluded to are certain declarations and orders of the French government issued at Berlin on the 21st Nov. last.

In those orders, the French government seeks to justify or palliate its own unjust pretensions, by imputing to Great Britain principles which she never professed, and practices which never existed. His majesty is accused of a systematic and general disregard of the law of nations, recognized by civilized states, and more particularly of an unwarrantable extension of the right of

blockade; whereas his majesty may confidently appeal to the world, on his uniform respect for neutral rights, and his general and scrupulous adherence to the law of nations, without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious that he has never declared any ports to be in a state of blockade, without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.

By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating, as lawful prize, all produce of English industry or manufacture, though it be the property of neutrals; of excluding from his harbors every neutral vessel which has touched at any port of his majesty's dominions, though employed in an innocent commerce, and of declaring Great Britain to be in a state of blockade, though his own naval ports and arsenals are actually blockaded, and he is unable to station any naval force whatever, before any port of the united kingdom.

Such principles are in themselves extravagant and repugnant to the law of nations; and the pretensions founded on them, though professedly directed solely against Great Britain, tend to alter the practice of war among civilized nations, and utterly to subvert the rights and independence of neutral powers. The undersigned cannot, therefore, believe, that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious encroachments on its interests.

If however the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present treaty, without an explanation from the United States, of their intentions, or a reservation on the part of his majesty in the case abovementioned, if it should ever occur.

The undersigned considering that the distance of the American government renders immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorised by his majesty to con-

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clude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations in the established system of maritime law; and the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandonment on the part of the enemy, or such assurances, or such conduct on the part of the United States, his majesty will not consider himself bound by the present signature of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

The undersigned cannot conclude without expressing their satisfaction at the prospect of accomplishing an object so important to the interests and friendly connection of both nations, and their just sense of the conciliatory disposition manifested by the commissioners of the United States during the whole course of the negotiation.

(Signed)

VASSALL HOLLAND.
AUCKLAND.

*To James Monroe, &c. &c. &c.
William Pinkney, &c. &c. &c.*

TREATY OF PEACE.

TREATY of Peace and Amity between his Britannic Majesty and the United States of America.

HIS Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship and good understanding between them, have for that purpose appointed their respective plenipotentiaries that is to say : His Britannic Majesty, on his part has appointed the Right Honourable James Lord Gambier, late admiral of the white, now admiral of the red squadron of his Majesty's fleet, Henry Goulburn, Esq. a member of the Imperial Parliament, and under Secretary of State, and William Adams, Esq. Doctor of civil Laws: and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, Citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles :

ART I. There shall be a firm and Universal Peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns. and people of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this Treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places and possessions, whatsoever, taken from either party by the other, during the war, or which may be taken after the signing of this Treaty, excepting only, the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratification of this Treaty, or any slaves or other private property.— And all archives, records, deeds and papers, either of a public

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nature, or belonging to private persons which in the course of the war, may have fallen into the hands of the officers of either party, shall be as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong.

Such of the islands in the bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possessions of the islands and territories claimed by both parties, shall in any manner whatever, be construed to affect the right of either.

ART. II. Immediately after the ratifications of this treaty by both parties, as herein mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two powers, to cease from all hostilities: And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications upon all parts of the coast of North America, from the latitude of twenty-three degrees north, to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean, as the thirty sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: That the time shall be thirty days in all other parts of the Atlantic ocean, north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulph of Mexico, and all parts of the West-Indies: Forty days for the north Seas, for the Baltic, and for all parts of the Mediterranean: Sixty days for the Atlantic ocean south of the equator, as far as the latitude of the Cape of Good Hope: Ninety days for every part of the world south of the equator: And one hundred and twenty days for all other parts of the world, without exception.

ART. III. All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ART. IV. Whereas, it was stipulated by the second article of the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores

of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic Majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia.—In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz.—One Commissioner shall be appointed by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of his Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make jointly or separately, a report or reports, as well to the government of his Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act.—And his Britannic Majesty, and the government of the United States, hereby agree to refer the report or reports, of the said Commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or the report of one Commissioner, together with the grounds upon which the other Commissioners shall have refused, declined, or omitted to act, as the case

may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other Commissioner, then such sovereign or state shall decide *ex parte* upon the said report alone. And his Britannic Majesty and the government of the United States engage to consider the decision of some friendly sovereign or state to be such and conclusive on all the matters so referred.

ART. V. Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers as the north west angle of Nova Scotia, ~~nor~~ the north-westernmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers which extend from the source of the river St. Croix directly north to the abovementioned north-west angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for these several purposes, two Commissioners shall be appointed, sworn, and authorised, to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit.

The said Commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of Connecticut river, and of such other points of the said boundary as they may deem proper.

And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both, or either of them, refusing or declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or

either of them, and such reference to a friendly sovereign or state, shall be made, in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VI. Whereas, by the former treaty of peace, that portion of the boundary of the United States from the point where the forty fifth degree of north latitude strikes the river Iroquois or Cataraqua, to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior." And whereas doubts have arisen what was the middle of said river, lakes and water communications, and whether certain islands lying in the same, were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article—The said commissioners shall meet, in the first instance, at Albany, in the State of New-York, and shall have power to adjourn to such other place or places as they shall think fit.

The said commissioners shall by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decisions as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VII. It is further agreed that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths impartially to fix and determine, according to the true intent of the said Treaty of Peace, of one thousand seven hundred and eighty three, that part of the boundary between the dominions of the two powers, which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the Lake of the Woods, to decide to which of the two

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parties the several islands lying in the lakes, water communications and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said Treaty of Peace, of one thousand seven hundred and eighty three; and to cause such parts of the said boundary, as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most north-western point of the Lake of the Woods, of such other part of the said boundary as they may deem proper—And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state, shall be made in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. VIII. The several boards of two Commissioners mentioned in the four preceding articles, shall respectively have power to appoint a Secretary, and to employ such surveyor or other persons as they shall judge necessary. Duplicates of their respective reports, declarations, statements and decisions, and of their accounts, and of the journal of all their proceedings shall be delivered by them to the agents of his Britannic Majesty, and to the agents of the United States, who may be respectfully appointed and authorised to manage the business on behalf of their respective governments.

The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratification of this treaty. And all other expenses attending the said Commissioners shall be defrayed equally by the two parties. And in the case of death, sickness, resignation or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was at first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of Commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands, had by such decision or decisions, been adjudged to be within the dominions of the party having such possession.

ART. IX. The United States of America engage to put an end immediately after the ratification of the present Treaty to hostilities with all the tribes or nations of Indians, with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, that such tribes or nations shall agree to desist from all hostilities, against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ART. X. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

ART. XI. This Treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

In faith whereof, we, the respective Plenipotentiaries have signed this Treaty, and have thereunto affixed our seals. Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

(L. S.)	GAMBIER,
(L. S.)	HENRY GOULBURN,
(L. S.)	WILLIAM ADAMS,
(L. S.)	JOHN QUINCY ADAMS,
(L. S.)	J. A. BAYARD,
(L. S.)	H. CLAY,
(L. S.)	JONA. RUSSELL,
(L. S.)	ALBERT GALLATIN.

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